S.B. CIVIL WRIT PETITION No. 5703/2005.
(Smt. Munni Devi Vs. State of Raj. & ors.)
DATE OF ORDER : 20.11.2007.

HON'BLE DR.JUSTICE VINEET KOTHARI

Mr. SP Sharma, for the petitioner.
Mr. MS Godara for respondent No.3.
Mr. B.L. Bishnoi, for respondent No.4.
Mr. OP Boob, Addl.G.A., for State.

1. Heard the learned counsels.

2. This writ petition is directed against the order dated 31.3.2005 of Additional Collector, Land Conversion, Jodhpur deciding Revision Petition No. 6/2003 filed by the petitioner whereby the learned Additional Collector has rejected the revision petition filed by the petitioner holding that the petitioner has failed to establish that the impugned patta issued in favour of respondent No.4, Pukhraj was issued in relation to Gair Mumkin Gochar land as Khasra Nos. 2139 and 2130 is not mentioned in the patta issued in favour of respondent No.4 which is Annex. 2 on record.

3. Learned counsel for respondent No.4 Mr B.L. Bishnoi submits that the said patta was issued in favour of the petitioner and neighborhood of the said land in question allotted to the petitioner clearly indicates that the said plot was surrounded by the residential houses of Shama Kishan S/o Jairam Kuria on western side and on the southern side, the residential house of Jodha Ram S/o Bhiyaram and therefore, the said plot cannot be

said to have allotted on Gochar land. He further submits that since the petitioner failed to establish before the authorities below that the land in question was allotted and the patta was issued in Gochar land, the said order could not be successfully challenged before this Court and no interference is called for in the said impugned order. He further submits that the said petitioner had earlier filed a Civil Suit No. 1/98 for cancellation which was dismissed. Learned counsel for the respondent Gram Panchayat however supports the case of the petitioner.

4. Having considered the rival submissions and upon perusal of the record, it appears that the findings of fact arrived at by the learned Additional Collector to the effect that the petitioner has failed to establish that the patta in question was issued in respect of Gair Mumkin Gochar land was not established by the petitioner is not required to be interfered with by this Court in the present writ petition. No contrary material has been brought on record by the petitioner to dislodge these findings of the learned Additional Collector.

5. Accordingly, this writ petition is found to be devoid of merit and the same is accordingly dismissed.

(Dr.VINEET KOTHARI)J.

Sr.No.21
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